

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff

v.

Civil No. 04-2030(SEC)

COMMONWEALTH OF PUERTO RICO, et al.

Defendants

ORDER

MOTION	RULING
Docket # 52 Motion to Disqualify Counsel and Motion to Compel	DENIED WITHOUT PREJUDICE. If warranted, the Court will revisit this issue once it rules on the pending dispositive motions.
Docket # 58 Motion for Protective Order	MOOT. <u>See</u> ruling in Docket # 52.
Docket # 65 Amended Motion for Extension of Time	GRANTED. The Court will set a new deadline for the filing of the Joint Pretrial Memorandum, if necessary, once it issues a ruling on the pending dispositive motions.
Docket # 66 Motion Requesting Status Conference	DENIED. The Court will schedule a Status Conference, if necessary, once it rules on the pending dispositive motions.

MOTION	RULING
Docket # 68 Motion to Withdraw Attorney as to Maria Judith Surillo	GRANTED.
Dockets ## 69-71, 74-75 Motion to Dismiss Without Prejudice	<p>GRANTED in part and DENIED in part. Plaintiff has filed a motion requesting dismissal without prejudice of its claims against the Employees' Retirement System of the Puerto Rico Power Authority ("PREPA"), the Puerto Rico System of Annuities and Pensions for Teachers ("TRS") and the University of Puerto Rico Retirement System ("UPR") (Dockets ## 69-70). PREPA and TRS filed oppositions (Dockets ## 71 & 75) and Plaintiff replied (Docket # 74).</p> <p>In the Amended Complaint, Plaintiff alleges that Puerto Rico Law 447 ("Law 447") and Puerto Rico Law 225 ("Law 225") do not comport with Age Discrimination in Employment Act ("ADEA") requirements. As such, Plaintiff avers that inasmuch as Law 447 and Law 225 apply to Defendants— government retirement systems—, certain government employees were discriminated because of their age in violation of ADEA. In its motion to dismiss, however, Plaintiff affirms that neither Law 447 nor Law 225 apply to PREPA, TRS or UPR. As such, it requests dismissal of its claims against them.</p> <p>Dismissal will be GRANTED but with prejudice. First, PREPA, TRS and UPR have already answered Plaintiff's Amended Complaint. Furthermore, it is clear that Plaintiff's claims of discrimination are circumscribed to the application of Law 447 and Law 225. Given that these laws do not apply to PREPA, TRS nor UPR, dismissal with prejudice is appropriate. This dismissal will not operate as <i>res judicata</i> for any other claims of discrimination that Plaintiff might have against PREPA, TRS or UPR. Therefore, the Amended Complaint against PREPA, TRS and UPR will be DISMISSED WITH PREJUDICE. Partial Judgment will be entered accordingly.</p>
Docket # 72 Motion for Extension of Time	MOOT.
Docket # 74 Motion for Leave to File Reply	GRANTED.

MOTION	RULING
Docket # 80 Motion to Withdraw Attorney Aquino-Ramos	GRANTED.

DATE: July 18, 2006

S/ Salvador E. Casellas
SALVADOR E. CASELLAS
U.S. Senior District Judge